

From: Stephen Peters
To: Microsoft ATR
Date: 1/23/02 11:35am
Subject: Microsoft Settlement

I am writing to express my concerns (under the Tunney Act) on the Proposed Final Judgement (PFJ) in the Microsoft settlement.

I feel that the PFJ does not go far enough, either in punishing Microsoft for its previous anticompetitive behavior or in preventing such behavior in the future. Among the problems:

- * The definition of Microsoft Middleware Products seems to be overly limiting, since it doesn't mention (for example) the very popular Microsoft Office suite or Microsoft's new .NET platform. It seems clear to me that these are platforms that Microsoft is hoping to leverage for new development, and could use these loopholes to prevent competitors from interoperating with these technologies.
- * Although the APIs for some products will be opened, the issue of file formats is unaddressed. This is one of the issues that forms part of the barrier to entry for competitors, as touched on by the court's Findings of Fact (paragraphs 20 and 39). As long as it's difficult to, for example, read a Word document in another word processor, Microsoft will maintain a substantial advantage over its competitors.
- * Although the licensing agreements for OEMs are improved, no mention is made of the licensing agreements for large customers of Microsoft. For example, Microsoft often charges 'enterprise' customers licensing fees based on the number of machines that are capable of running their software, rather than on those that actually do.

In short, I feel the PFJ is currently not in the public interest, and needs to be revised before acceptance.

Thank you,
Stephen Peters